

US Appln. Ser. No. 10/773,387
Page 5

REMARKS

The parent application was filed with a total of 17 Claims. In a Restriction Requirement mailed March 22, 2001, the Examiner restricted the Claims into six (6) Groups, as follows:

- I) Group I, containing Claims 1, 4-9, and 13-17, drawn to a microorganism having a mutation or deletion of the gene encoding cysteine protease-1 (CP-1) and methods for the production of a heterologous protein using a microorganism having a mutation or deletion of the gene encoding CP1;
- II) Group II, containing Claims 2, 4-9, and 13-17, drawn to a microorganism having a mutation or deletion of the gene encoding cysteine protease-2 (CP-2) and methods for the production of a heterologous protein using a microorganism having a mutation or deletion of the gene encoding CP2;
- III) Group III, containing Claims 3-9, and 13-17, drawn to a microorganism having a mutation or deletion of the gene encoding cysteine protease-3 (CP-3) and methods for the production of a heterologous protein using a microorganism having a mutation or deletion of the gene encoding CP3;
- IV) Group IV, containing Claim 10, drawn to a cleaning composition comprising a cysteine protease;
- V) Group V, containing Claims 11 and 12, drawn to expression vectors and host cells for expression of a heterologous protein.

In a Response mailed April 20, 2001, Applicant elected the Claims in Group I (Claims 1, 4-9, and 13-17), drawn to a microorganism having a mutation or deletion of the gene encoding cysteine protease-1 (CP1), and methods for the production of a heterologous protein.

On February 5, 2004, Applicant filed the present application with the inadvertent, yet erroneous indication that it is a Divisional application to pursue the Claims in Group III (*i.e.*, Claims 3-9, and 13-17, as applied to CP3). While the indication that the present

GC381-D2 Rest. Req. Resp.

US Appln. Ser. No. 10/773,387
Page 6

application was filed in order to pursue the Claims in Group III of the originally filed application was correct, Applicant added additional Claims in the present Application when it was filed (*i.e.*, Claims 17-22). As previously indicated, the present Application should have been designated as a Continuation-in-Part, rather than a Divisional. This erroneous designation was made inadvertently and without deceptive intent. Applicant has amended the priority designation to indicate the correct relationship between the present application and the parent application.

In order to avoid additional confusion regarding the Claims in the present application, Applicant cancelled Claims 1-22 and added new Claims 23-35. These new Claims correspond to the originally filed Claims. Applicant notes that the cleaning composition Claims have not been included herein.

In the present Restriction Requirement, the Examiner has restricted the Claims into two Groups, with Claims 23-30, directed toward a Gram-positive microorganism having a mutation or deletion of part or all of the gene encoding CP3 in Group I, and Claims 31-35, directed toward a method for producing heterologous proteins in a *Bacillus* host cell.

Applicant hereby elects the Claims in Group I (*i.e.*, Claims 23-30), without traverse. Applicant also requests the Examiner's consideration in rejoining the withdrawn Claims in Group II (*i.e.*, Claims 31-35), upon determination that the product Claims are allowable.

Should the Examiner have any questions regarding this application, he is encouraged to call the undersigned.

Respectfully submitted,

Date: July 10, 2006


Kamrin T. MacKnight
Registration No. 38,230

Genencor International, Inc.
925 Page Mill Road
Palo Alto, CA 94304-1013
Tel: 650 846-5838
Fax: 650 845-6504

GC381-D2 Rest. Req. Resp.